

REMARKS

I. Amendments to the Claims

Claims 1 and 4 have been amended to incorporate the limitations of claims 2 and 6, respectively.

Claims 2 and 6 have been canceled.

Claims 3 and 7 have been amended to clarify that the claims are directed to an image forming system comprising an image-forming apparatus and a toner.

No new matter has been added.

After entry of this amendment, claims 1, 3-5, and 7 will be pending in the application.

II. Response to Objections to the Disclosure

At page 4, paragraph 4 of the Office Action, the disclosure is objected to because the substitute specification, filed September 28, 2005, does not incorporate the amendment filed on February 27, 2004, in which the second occurrence of figure number "1" was corrected to "2" at page 8, line 20 of the specification.

In response, Applicants have amended the September 28, 2005 substitute specification by correcting Fig. 1 to Fig. 2 at page 8, line 20.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

III. Response to Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

In paragraph 6 at pages 4 and 5 of the Office Action, claims 3 and 7 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Specifically, the Examiner states that claims 3 and 7 are indefinite because the structural relationship between the apparatus and the toner is not clear. The Examiner further states that it is not clear how an apparatus comprises a toner, since a toner is merely a material that is worked upon by an apparatus rather than a structural element of an apparatus.

In response, Applicants have amended claims 3 and 7 to clarify that the claims are directed to an “image forming system” comprising both the apparatus and the toner.

Applicants submit that claims 3 and 7 particularly point out and distinctly claim the subject matter which Applicants regard as the invention, and thus respectfully request reconsideration and withdrawal of this rejection.

IV. Response to Claim Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

At pages 5-9 of the Office Action, claims 1, 4, and 5 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by, or in the alternative under 35 U.S.C. § 103(a) as allegedly obvious over, WO 02/084408 A1.

Applicants have amended claims 1 and 4 to incorporate the limitations of claims 2 and 6, respectively. Because claims 2 and 6 are not included in this rejection, such amendment should be sufficient to overcome this rejection.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

V. Response to Claim Rejections Under 35 U.S.C. § 103(a)

At pages 9-11 of the Office Action, claims 3 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 6,748,192 B2 (Izawa) combined with Matsumura.

The Examiner concedes that Izawa does not exemplify the particular toners recited in the instant claims, but contends that the reference discloses an electrophotographic image forming apparatus that meets all of the other structural requirements recited in instant claims 3 and 7. The Examiner further contends that the reference does not limit the type of toner used. In addition, the Examiner states that the fixing unit of the reference apparatus is effective for oil-less fixing. Thus, the Examiner concludes that it would have been obvious for a person having ordinary skill in the art, in view of the teachings of Matsumura, to use the toner disclosed by Matsumura as the toner in the developing unit of the image forming apparatus disclosed by Izawa.

Applicants have amended claims 3 and 7 to recite image forming systems comprising the toners recited in claims 1 and 4, respectively. Applicants submit that Matsumura does not teach or suggest the recited toners.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

VI. Response to Claim Rejections Under 35 U.S.C. § 102(e)

At pages 11-14 of the Office Action, claims 1-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. Publication No. 2005/0100807 A1 (Yamazaki).

In response, Applicants submit herewith verified English translations of Japanese Patent Application Nos. 2003-053833 and 2003-053834, both filed February 28, 2003, to thereby perfect their claim to priority under 35 U.S.C. § 119(a) and antedate the Yamazaki reference, published May 12, 2005 and filed in the U.S. on October 20, 2003.

Support for claims 1, 3-5, and 7 is shown in the Table below. All references are to claim, page, and paragraph numbers of the verified English translations.

<u>Claim</u>	<u>JPA No. 2003-053833</u>	<u>JPA No. 2003-053834</u>
1	Claims 1 and 2; and para. 15 at p. 8	
3	Claims 1-3; and para. 15 at p. 8	
4		Claims 1 and 3; and para. 17 at p.8
5		Claims 1-3; and para. 17 at p.8
7		Claims 1-4; and para. 17 at p.8

Claims 2 and 6 have been canceled, rendering this rejection moot as to these claims.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

VII. Response to Double-Patenting Rejections

A. At pages 14 to 18 of the Office Action, claims 1 and 2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1-8 of copending Application No. 10/787,147.

B. At pages 18 to 21, claims 4-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/787,147.

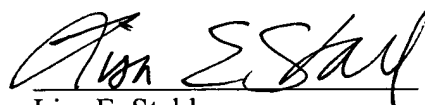
In response, Applicants note that one or both of the double patenting rejections may be rendered moot through prosecution of the present application and/or the cited applications. Thus, Applicants choose to postpone responding to these rejections until the time at which one of the applications issues as a patent.

VIII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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